

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name: that I verily believe I am the original, first and sole inventor of the subject matter claimed and for which a patent is sought in the application entitled:

"ADENO-ASSOCIATED VIRAL VECTOR-MEDIATED DELIVERY OF DNA TO CELLS OF THE LIVER"

which application is:

the attached application  
(for original application)

X application Serial No. 08/882,044  
filed 25 June 1997, and amended on

(for declaration not accompanying application)

that I have reviewed and understand the contents of the specification of the above-identified application, including the claims; that I acknowledge my duty to disclose information of which I am aware which is material to the patentability of this application under 37 C.F.R. 1.56, that I hereby claim priority benefits under Title 35, United States Code §119, §172 or §365 of any provisional application listed below:

Application Number  
60/032,502

Country

Filing Date  
2 December 1996

Priority Claimed  
yes

I hereby appoint John H. Mion, Reg. No. 18,879; Donald E. Zinn, Reg. No. 19,046; Thomas J. Macpeak, Reg. No. 19,292; Robert J. Seas, Jr., Reg. No. 21,092; Darryl Mexic, Reg. No. 23,063; Robert V. Sloan, Reg. No. 22,775; Peter D. Olexy, Reg. No. 24,513; J. Frank Osha, Reg. No. 24,625; Waddell A. Biggart, Reg. No. 24,861; Robert G. McMorro, Reg. No. 19,093; Louis Gubinsky, Reg. No. 24,835; Neil B. Siegel, Reg. No. 25,200; David J. Cushing, Reg. No. 28,703; John R. Inge, Reg. No. 26,916; Joseph J. Ruch, Jr., Reg. No. 26,577; Sheldon I. Landsman, Reg. No. 25,430; Richard C. Turner, Reg. No. 29,710; Howard L. Bernstein, Reg. No. 25,665; Alan J. Kasper, Reg. No. 25,426; Kenneth J. Burchfiel, Reg. No. 31,333; Gordon Kit, Reg. No. 30,764; Susan J. Mack, Reg. No. 30,951; Frank L. Bernstein, Reg. No. 31,484; Mark Boland, Reg. No. 32,197; William H. Mandir, Reg. No. 32,156; Scott M. Daniels, Reg. No. 32,562; Brian W. Hannon, Reg. No. 32,778; Abraham J. Rosner, Reg. No. 33,276; Bruce E. Kramer, Reg. No. 33,725; Paul F. Neils, Reg. No. 33,102; and Brett S. Sylvester, Reg. No. 32,765, my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and request that all correspondence about the application be addressed to **SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC**, 2100 Pennsylvania Avenue, N.W., Washington, D.C. 20037-3202.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date 12/30/1997 First Inventor Richard O. Snyder  
Residence 3445 Guido St Signature Richard O. Snyder  
OAKLAND CA 94602  
Post Office Address: same  
Citizenship United States of America

Date \_\_\_\_\_ Second Inventor Lawrence K. Cohen  
Residence \_\_\_\_\_ Signature \_\_\_\_\_  
Post Office Address: \_\_\_\_\_  
Citizenship United States of America

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which application is:

the attached application  
(for original application)

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Application Number  
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Priority Claimed  
yes

I hereby appoint John H. Mion, Reg. No. 18,879; Donald E. Zinn, Reg. No. 19,046; Thomas J. Macpeak, Reg. No. 19,292; Robert J. Seas, Jr., Reg. No. 21,092; Darryl Mexic, Reg. No. 23,063; Robert V. Sloan, Reg. No. 22,775; Peter D. Olexy, Reg. No. 24,513; J. Frank Osba, Reg. No. 24,625; Waddell A. Biggart, Reg. No. 24,861; Robert G. McMorrow, Reg. No. 19,093; Louis Gubinsky, Reg. No. 24,835; Neil B. Siegel, Reg. No. 25,200; David J. Cushing, Reg. No. 28,703; John R. Inge, Reg. No. 26,916; Joseph J. Ruch, Jr., Reg. No. 26,577; Sheldon I. Landsman, Reg. No. 25,430; Richard C. Turner, Reg. No. 29,710; Howard L. Bernstein, Reg. No. 25,665; Alan J. Kasper, Reg. No. 25,426; Kenneth J. Burchfiel, Reg. No. 31,333; Gordon Kit, Reg. No. 30,764; Susan J. Mack, Reg. No. 30,951; Frank L. Bernstein, Reg. No. 31,484; Mark Boland, Reg. No. 32,197; William H. Mandir, Reg. No. 32,156; Scott M. Daniels, Reg. No. 32,562; Brian W. Hannon, Reg. No. 32,778; Abraham J. Rosner, Reg. No. 33,276; Bruce E. Kramer, Reg. No. 33,725; Paul F. Neils, Reg. No. 33,102; and Brett S. Sylvester, Reg. No. 32,765, my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and request that all correspondence about the application be addressed to **SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC**, 2100 Pennsylvania Avenue, N.W., Washington, D.C. 20037-3202.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date \_\_\_\_\_ First Inventor Richard O. Snyder

First Name

Middle Initial

Last Name

Residence \_\_\_\_\_ Signature \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Citizenship United States of America

Date 12/27/97 Second Inventor Lawrence K. Cohen

First Name

Middle Initial

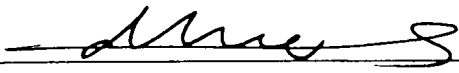
Last Name

Residence OAKLAND  
CA, USA Signature L. K. Cohen

Post Office Address: 5670 CAROT DRIVE, OAKLAND, CA 94611

Citizenship United States of America

Date \_\_\_\_\_ Third Inventor Mark A. Kay  
First Name Middle Initial Last Name  
Residence \_\_\_\_\_ Signature \_\_\_\_\_  
Post Office Address: \_\_\_\_\_  
Citizenship United States of America

Date Nov 12, 1977 Fourth Inventor Olivier Danos  
First Name Middle Initial Last Name  
Residence \_\_\_\_\_ Signature   
Post Office Address: 61, RUE SAINT-HONORE 77300 FONTAINEBLEAU - FRANCE  
Citizenship ~~United States of America~~ FRANCE

Date \_\_\_\_\_ Fifth Inventor Arthur R. Thompson  
First Name Middle Initial Last Name  
Residence \_\_\_\_\_ Signature \_\_\_\_\_  
Post Office Address: \_\_\_\_\_  
Citizenship United States of America

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Date \_\_\_\_\_ First Inventor Richard O. Snyder

First Name

Middle Initial

Last Name

Residence \_\_\_\_\_ Signature \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Citizenship United States of America

Date \_\_\_\_\_ Second Inventor Lawrence K. Cohen

First Name

Middle Initial

Last Name

Residence \_\_\_\_\_ Signature \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Citizenship United States of America

Residence 8032 19<sup>th</sup> Ave N

Signature

Mark A. Key  
First Name Middle Initial Last Name

Post Office Address: Seattle - WA 98115

Citizenship United States of America

yes

Date

Fourth Inventor Olivier Danos

First Name

Middle Initial

Last Name

Residence

Signature

Post Office Address:

Citizenship United States of America

Date

Fifth Inventor Arthur R. Thompson

First Name

Middle Initial

Last Name

Residence

Signature

Post Office Address:

Citizenship United States of America

## DECLARATION AND POWER OF ATTORNEY

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Date \_\_\_\_\_ First Inventor Richard O. Snyder

First Name	Middle Initial	Last Name
Richard	O.	Snyder

First Name

Middle Initial

Last Name

Residence \_\_\_\_\_ Signature \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Citizenship United States of America

Date \_\_\_\_\_ Second Inventor Lawrence K. Cohen

First Name

Middle Initial

Last Name

Residence \_\_\_\_\_ Signature \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Citizenship United States of America

Date \_\_\_\_\_ Third Inventor Mark A. Kay \_\_\_\_\_  
First Name Middle Initial Last Name

Residence \_\_\_\_\_ Signature \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Citizenship United States of America

Date \_\_\_\_\_ Fourth Inventor Olivier Danos \_\_\_\_\_  
First Name Middle Initial Last Name

Residence \_\_\_\_\_ Signature \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Citizenship United States of America

✓ Date April 7, 1998 Fifth Inventor Arthur R. Thompson \_\_\_\_\_  
First Name Middle Initial Last Name

Residence \_\_\_\_\_ Signature Arthur R. Thompson MD, PhD

✓ Post Office Address: Puget Sound Blood Center  
921 Terry Avenue, Seattle, Washington 98104

Citizenship United States of America

39744

PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Snyder et al.

Serial No.: 08/882/044

Filed: 25 June 1997

For: ADENO-ASSOCIATED VIRAL VECTOR-  
MEDIATED DELIVERY OF DNA CELLS  
OF THE LIVER

Group Art Unit: 1632

Examiner: S. Priebe

ASSOCIATE POWER OF ATTORNEY

Box: AF

Assistant Commissioner for Patents  
2900 Crystal Drive  
Washington, D.C. 20231

Sir:

The undersigned attorney of record in the above-entitled application hereby appoints Dean H. Nakamura, Reg. No. 33,981, Associate Attorney to act on behalf of Applicants before the U.S. Patent and Trademark office in connection with the above-captioned case.

Please direct all future correspondence to:

Dean H. Nakamura, Esquire  
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.  
1300 19<sup>th</sup> Street, N.W., Suite 600  
Washington, D.C. 20036  
(202) 659-9076

Respectfully submitted,

Dated: May 19, 2000, 2000

Susan J. Mack  
Susan J. Mack  
Reg. No. 30,951



Applicant or Patentee: SNYDER et al.

Attorney's Docket No.: A6964

Application or Patent No. 08/882,044

Filed or Issued: 25 June 1997

For: ADENO-ASSOCIATED VIRAL VECTOR-MEDIATED DELIVERY OF DNA TO CELLS OF THE LIVER

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL  
ENTITY STATUS (37 CFR 1.9(f) and 1.27 (c)) --  
NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION PUGET SOUND BLOOD CENTER

ADDRESS OF ORGANIZATION 921 Terry Avenue, Seattle, WA 98104

**TYPE OF ORGANIZATION**

☐ University or other institution of higher education

☐ Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3))

☒ Nonprofit scientific or educational under statute of state of The United States of America

(Name of State) WASHINGTON

(Citation of statute) \_\_\_\_\_

☐ Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c) (30)) if located in  
The United States of America

☐ Would qualify as nonprofit scientific or educational under statute of state of The United States of America if located in  
The United States of America

(Name of State) \_\_\_\_\_

(Citation of statute) \_\_\_\_\_

I hereby declare that the above nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled: ADENO-ASSOCIATED VIRAL VECTOR-MEDIATED DELIVERY OF DNA TO CELLS OF THE LIVER as described in U.S. Application No. 08/882,044, filed 25 June 1997.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statement are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL

☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING

Arthur R. Thompson (MD, PhD)

TITLE IN ORGANIZATION

Puget Sound Blood Center

ADDRESS OF PERSON SIGNING

921 TERRY AVE SEATTLE WA 98104

Signature

Arthur R. Thompson

Date

4/7/98

Applicant or Patentee: Synder et al.  
Application or Patent No.: 08/882,044  
Filed or Issued: 25 June 1997

Attorney's  
Docket No.: A6964

For: ADENO-ASSOCIATED VIRAL VECTOR-MEDIATED DELIVERY OF DNA TO CELLS OF THE LIVER

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27 (c)) -- SMALL BUSINESS CONCERN**

I hereby declare that I am

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN      Cell Genesys, Inc.  
ADDRESS OF CONCERN    322 Lakeside Drive  
                         Foster City, CA 94404

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled "ADENO-ASSOCIATED VIRAL VECTOR-MEDIATED DELIVERY OF DNA TO CELLS OF THE LIVER"

by inventor Snyder et al.

described in

☐ the specification filed herewith

☒ application no. 08/882,044

☐ patent no.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having right to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statement are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME University of Washington  
ADDRESS 1107 NE 45th Street, Suite 200; Seattle, WA 98105-4631

☐ INDIVIDUAL      ☐ SMALL BUSINESS CONCERN      ☒ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING    Stephen A. Sherwin, M.D.  
TITLE OF PERSON OTHER THAN OWNER    Chairman, President and Chief Executive Officer  
ADDRESS OF PERSON SIGNING    Cell Genesys, Inc., 342 Lakeside Drive, Foster City, CA 94404

Date: 11/5/97

Signature Stephen A. Sherwin

Applicant or Patentee: Snyder et al.

Application or Patent No. 08/882,044

Attorney  
Docket No.: A6

Filed or Issued: 25 June 1997

For: ADENO-ASSOCIATED VIRAL VECTOR-MEDIATED DELIVERY OF DNA TO CELLS OF THE LIVER

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL  
ENTITY STATUS (37 CFR 1.9(f) and 1.27 (c)) –  
NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION University of Washington

ADDRESS OF ORGANIZATION 1107 NE 45th Street, Suite 200; Seattle, WA 98105-4631

**TYPE OF ORGANIZATION**

☒ University or other institution of higher education

☐ Tax exempt under Internal Revenue Service Code (26 USC 501(a)) and 501(c) (3))

☐ Nonprofit scientific or educational under statute of state of The United States of America

(Name of State) \_\_\_\_\_

(Citation of statute) \_\_\_\_\_

☐ Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c) (30)) if located in  
The United States of America

☐ Would qualify as nonprofit scientific or educational under statute of state of The United States of America if located in  
The United States of America

(Name of State) \_\_\_\_\_

(Citation of statute) \_\_\_\_\_

I hereby declare that the above nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled: "ADENO-ASSOCIATED VIRAL VECTOR-MEDIATED DELIVERY OF DNA TO CELLS OF THE LIVER"

by inventor Snyder et al.

described in ☐ the specification filed herewith

☒ application no. 08/882,044

, filed 25 June 1997

☐ patent no. \_\_\_\_\_

, issued \_\_\_\_\_

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If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring their status as small entities. (37 CFR 1.27)

FULL NAME Cell Genesys, Inc.

ADDRESS 322 Lakeside Drive; Foster City, CA 94404

☐ INDIVIDUAL

☒ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

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NAME OF PERSON SIGNING Linda C. Clarke

TITLE IN ORGANIZATION Licensing Officer

ADDRESS OF PERSON SIGNING Health Sciences, Technology Transfer, University of Washington

Signature Linda C. Clarke

Date

December 22, 1997